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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Main Committee II

Summary record of the 2nd meeting
Held at Headquarters, New York, on Friday, 20 May 2005, at 3 p.m.

Chairman: Mr. Molnár ..... (Hungary)
later: Mr. Taiana (Vice-Chairman) ..... (Argentina)

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06-38030 (E)

The meeting was called to order at 3.05 p.m.

General debate (*continued*)

1. **Ms. Bridge** (New Zealand) said that the Treaty on the Non-Proliferation of Nuclear Weapons gave States parties a set of interrelated and mutually reinforcing obligations and rights. Her Government fully supported the statutory role of the International Atomic Energy Agency (IAEA) Board of Governors and Director General in relation to States' compliance with safeguards agreements. In the early 1990s, after Iraq had been discovered to have a secret nuclear weapons programme, the model additional protocol to comprehensive safeguards agreements had been developed to give the Agency increased scope for its verification activities by enabling it to fulfil its responsibilities regarding undeclared nuclear material and activities.

2. As many more countries were in possession of nuclear knowledge and technology than at the time when the Treaty had come into force, IAEA must be given the necessary tools to meet its increased responsibilities. All States parties should therefore conclude an additional protocol with IAEA without delay. Her delegation called upon the Conference to recognize that comprehensive safeguards agreements and the model additional protocol had become the new verification standard.

3. Effective export controls were crucial for the fulfilment of obligations under article III of the Treaty. The importance of export controls had been recognized in Security Council resolution 1540 (2004). Acceptance of comprehensive safeguards agreements and the model additional protocol should be a condition for any new nuclear supply arrangements. Meeting that condition would help IAEA to verify that nuclear transfers were intended for peaceful purposes only.

4. Strengthened export controls were directly relevant to the recent uncovering of illicit trafficking in sensitive nuclear equipment and technology. Her Government was concerned about those revelations and supported the Director General's call for States to assist in identifying the supply routes and sources of such equipment and materials. The physical protection of nuclear material and facilities was also important for strengthening the non-proliferation regime. Her Government called on all States which had not yet done so to accede to the Convention on the Physical Protection of Nuclear Material. Her Government also fully supported the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, as well as the Action Plan and guidance under the Code.

5. Nuclear weapons programmes of States not parties to the Treaty seriously undermined nuclear non-proliferation and disarmament efforts and posed risks to international peace and security in regions of tension. Her Government called on India, Pakistan and Israel to accede to the Treaty promptly and without conditions and to place all their activities under IAEA safeguards. It deplored the decision of the Democratic People's Republic of Korea to withdraw from the Treaty, expressed concern about that country's declaration in February 2005 that it had manufactured and possessed nuclear weapons and urged it to return to the Treaty and honour its IAEA safeguards obligations. Her Government called upon it to abandon any nuclear weapons programme immediately and to return to the six-party talks without delay. New Zealand welcomed the 2003 decision of the Libyan Arab Jamahiriya, which had previously been in breach of article II of the Treaty and of its safeguards agreement with IAEA, to abandon its weapons of mass destruction programme and to sign an additional protocol.

6. The Islamic Republic of Iran had recently been found to have had an undeclared clandestine nuclear programme in place for almost two decades and to have breached a number of its obligations under its safeguards agreement with IAEA. New Zealand called upon it to cooperate fully with IAEA to resolve the outstanding issues with respect to the Agency's investigations into its nuclear programme. New Zealand welcomed the Iranian authorities' decision to sign an additional protocol and urged them to complete ratification without delay. Her Government called on the Islamic Republic of Iran to implement all of the IAEA Board of Governors resolutions, including voluntary suspension of all enrichment-related and reprocessing activities. New Zealand fully supported the European Union initiative relating to the negotiation of long-term arrangements with the Islamic Republic of Iran.

7. Nuclear-weapon-free zones were a powerful symbol of the renunciation of weapons of mass destruction and contributed to non-proliferation efforts. Her Government was a party to the Rarotonga Treaty

and welcomed Mexico's initiative to hold the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in April 2005. Her Government was working with Mexico to promote a nuclear-weapon-free southern hemisphere, which would strengthen cooperation between the existing zones in areas such as verification, compliance and disarmament.

8. Lastly, there was merit in examining institutional arrangements for the Treaty review process to ensure maximum effectiveness. Her delegation was interested in the Canadian and other proposals in that regard.

9. **Mr. Casterton** (Canada) said that the Committee's mandate was to ensure implementation of the provisions of the Treaty concerning safeguards, as set forth in article III, which required States parties to conclude safeguards agreements with IAEA. Commendably, 145 countries had brought such agreements into force. Thirty-eight States parties, however, had still not done so. The Conference should call on all States parties to conclude such agreements without delay and should reaffirm the importance of full compliance with article III of the Treaty.

10. In the light of the current situation, the Conference must go further than that. Comprehensive safeguards agreements were a necessary but insufficient basis for IAEA to provide assurance that States were complying with their non-proliferation undertakings.

11. Eight years had elapsed since the IAEA Board of Governors had significantly strengthened the safeguards system by approving the model additional protocol. While his delegation welcomed the fact that 90 States had signed additional protocols, which had come into force in 65 States, the Conference must urge all States which had not yet done so to conclude and bring into force an additional protocol as soon as possible. The Conference should recognize that comprehensive safeguards agreements, together with additional protocols, represented the current verification standard pursuant to article III of the Treaty.

12. The strengthened IAEA safeguards system helped to establish mutual confidence in States parties' compliance with the Treaty. Non-compliance challenged the integrity of the Treaty and must be addressed robustly. The IAEA statutory rule about bringing cases of non-compliance to the attention of the Security Council must be respected. The Council, in turn, must take prompt action to address them.

13. On export controls, the Conference should consider adopting the model additional protocol as a condition of supply. In that regard, it should endorse the activities of the Zangger Committee and the guidance which its understandings provided to States parties in meeting their obligations under the Treaty. The Conference should also endorse Security Council resolution 1540 (2004); recognize the contribution of measures such as the Proliferation Security Initiative to non-proliferation efforts; and recognize States parties' efforts to strengthen international laws and frameworks to reinforce the international non-proliferation regime.

14. As the physical protection of nuclear material and facilities was another integral element of a successful non-proliferation regime, the Conference should urge all States parties to ratify the Convention on the Physical Protection of Nuclear Material and support the early completion of its amendment in July 2005.

15. With respect to regional non-proliferation issues, the Conference should note the contribution of nuclear-weapon-free zones and consider their expansion to other regions such as the Middle East and South Asia. Canada strongly supported the establishment of such zones on the basis of voluntary arrangements among the States of a given region.

16. Lastly, in the context of permanence with accountability, the concept underlying the indefinite extension of the Treaty, Canada had submitted a working paper (NPT/CONF.2005/WP.39) proposing that the Conference should adopt outcomes to modify its procedures and foster greater transparency.

17. **Mr. Gala López** (Cuba) said that his delegation associated itself with the views expressed in the working paper submitted by the Group of Non-Aligned States Parties to the Treaty (NPT/CONF.2005/WP.19) on the substantive issues to be considered by Main Committee II. In accordance with the principles of the United Nations and international law, multilateralism represented the only means of achieving nuclear non-proliferation and disarmament. IAEA was the competent authority for ensuring compliance with the Treaty, and all States parties must establish safeguards agreements with the Agency. His delegation defended the inalienable right of all States to research, produce and develop nuclear energy for peaceful purposes and to receive transfers of nuclear material, technology and

information for peaceful purposes. All nuclear programmes in Cuba had been established for peaceful purposes and Cuba had met all its obligations under the Treaty and with the Agency. However, Security Council resolution 1540 (2004) emphasized horizontal non-proliferation measures over vertical ones. The total elimination of weapons of mass destruction was the only way to ensure that terrorists did not gain access to nuclear weapons.

18. The Cuban Government's analysis of the Proliferation Security Initiative from the standpoint of international law (NPT/CONF.2005/WP.26) reaffirmed that the principles of verification, transparency and irreversibility must be the essential components of multilateral and bilateral agreements. Furthermore, as the establishment of nuclear-weapon-free zones represented a step towards nuclear disarmament, it was important to uphold the outcomes of the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Tlatelolco, Mexico, in April 2005. His delegation supported the establishment of a nuclear-weapon-free zone in the Middle East and called on Israel to accede to the Treaty and establish a safeguards agreement with the Agency. His delegation supported the resolution on the Middle East adopted at the 1995 Review and Extension Conference and the outcome of the 2000 Review Conference, which aimed to find a fair solution to the political instability in that region.

19. **Mr. Bouchaara** (Morocco) said that his Government attached particular importance to compliance with the non-proliferation regime under the Treaty. His delegation paid tribute to the work of IAEA in promoting the use of nuclear energy for peaceful purposes. Morocco had excellent cooperative relations with the Agency, with which it had concluded a comprehensive safeguards agreement in 1973 and an additional protocol in September 2004. Morocco had also ratified the Convention on the Physical Protection of Nuclear Material and had notified the IAEA Director General of its acceptance of the Code of Conduct on the Safety and Security of Radioactive Sources. He recalled the importance of the peaceful use of nuclear energy for economic and social development, which was one of the pillars of non-proliferation that must be preserved and strengthened.

20. There was a close link between regional and international efforts to strengthen the non-proliferation regime. Therefore, the international community must fully support existing nuclear-weapon-free zones and work towards the establishment of such zones where they did not yet exist. Africa was particularly proud to have created such a zone through the Pelindaba Treaty. The international community must ensure that the denuclearization of Africa became a reality.

21. With respect to the Middle East, his delegation reiterated its full support for the implementation of the 1995 resolution on the Middle East. Accordingly, Israel must accede to the Treaty and place its nuclear facilities under comprehensive IAEA safeguards.

22. Lastly, his delegation welcomed the results of the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, which laid the foundation for useful dialogue among the various zones and the States concerned to promote the common goals of disarmament and non-proliferation.

23. **Mr. Combrink** (South Africa) said that his delegation recognized the right of all States to develop nuclear technology for peaceful purposes. IAEA should be given access to verify that nuclear technology was being developed for peaceful purposes only, and the conclusion of additional protocols would greatly enhance the Agency's inspection and verification capabilities. His delegation supported universal adherence to IAEA safeguards agreements. South Africa had been the first country to voluntarily destroy its nuclear devices and give the Agency unrestricted access to information, materials and facilities. South Africa had participated in the system introduced by the IAEA Board in 1993 for the voluntary reporting of the export and import of specified equipment. The obligation to provide comprehensive information and access to the Agency placed a considerable burden on States, but that burden was outweighed by the possibility of achieving nuclear disarmament and non-proliferation.

24. South Africa's regulatory and legislative framework stipulated that transfers of nuclear material and technology could only be intended for peaceful purposes. If it was suspected that an export was to be used for the development of weapons of mass destruction, the application for that export was denied. His delegation recognized that revelations of illicit trafficking in nuclear material, equipment and technology represented a challenge to the Treaty. Controls over nuclear material, equipment and technology must be reviewed and improved in order to

prevent proliferation and trafficking. South Africa had undertaken a thorough investigation into the illicit trafficking network and had focused on contraventions of relevant South African non-proliferation legislation. A Swiss national and a German national, both residents of South Africa, had been prosecuted for their alleged involvement in those illicit activities. His delegation had noted that, significantly, the European Union statement on illicit trafficking had not referred to some countries in which the illicit network had operated.

25. The main challenge for the Conference was the effective regulation of technology and the denial of any transfer suspected to be related to the construction of weapons of mass destruction. It was important to review and improve controls on nuclear weapons, material and technology; the success of those controls depended on effective information sharing and cooperation among States. Since IAEA was the internationally recognized authority responsible for verifying and ensuring compliance with safeguards agreements, any concerns relating to non-compliance should be directed to the Agency. It was important to take note of the Agency's role in investigating the Iranian nuclear programme and of the fact that the Agency had not found any development of nuclear material for non-military uses.

26. At the 2000 Review Conference, States parties had reaffirmed the conviction that the establishment of nuclear-weapon-free zones enhanced global and regional security. As envisaged in article VII of the Treaty, those zones remained important aspects of the nuclear disarmament and non-proliferation process. The decision of the Libyan Arab Jamahiriya, announced on 19 December 2003, to eliminate materials, equipment and programmes for the production of weapons of mass destruction had greatly helped to create conditions in which Africa could achieve its vision of a continent free of weapons of mass destruction, in line with the objectives of the African Union and the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty). The establishment of other nuclear-weapon-free zones would enhance the security of States parties to that treaty, and African States that had not yet ratified it were invited to do so. His delegation acknowledged the importance of the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones.

27. **Mr. Shamaa** (Egypt) said that under article III of the Treaty, States parties were legally obliged to implement comprehensive safeguards, but there was no requirement to conclude additional protocols. Non-proliferation obligations were monitored by IAEA, and the actions taken by the Agency in cases of non-compliance had proved more than adequate. In relation to the institutional structure of the Treaty, the United Nations could approve the establishment of one or two additional posts in the Department for Disarmament Affairs for the sole purpose of servicing the Treaty review process, rather than establishing a separate institutional structure. In order to establish a rapid response capability, States parties could be granted executive powers, but that would necessitate amendments to the Treaty. His delegation would welcome a more proactive approach to monitoring compliance with articles I, II and VI, as well as further consideration of the institutional structure of the Treaty.

28. Since the initiation of the disarmament process by the United Nations in the early 1950s, Egypt had been at the forefront of the drive to promote a multilateral approach to disarmament and non-proliferation. Egypt had been one of the first signatories of the Treaty and had encouraged all States in the Middle East to accede to it. The situation in the Middle East was closely linked to the status of the Treaty's safeguards requirements, and Israel was the only State in that region that had not accepted comprehensive safeguards on its nuclear facilities. The three decisions and the resolution on the Middle East adopted at the 1995 Review and Extension Conference and the outcome of the 2000 Review Conference should be the point of departure for the 2005 Review Conference. It was important for States to give priority to the accession of Israel to the Treaty and the placement of its facilities under comprehensive safeguards. His delegation drew attention to the working paper submitted by the Group of Non-Aligned States Parties to the Treaty (NPT/CONF.2005/WP.19) and to the working paper submitted by Egypt (NPT/CONF.2005/WP.36), entitled "Implementation of the 1995 resolution and 2000 outcome on the Middle East". States parties were urged not to transfer nuclear material, information or technology to Israel. Moreover, his delegation recommended the establishment of a standing committee that would initiate contact with Israel and report to the 2010 Review Conference. That committee might comprise the chairmen or bureau of each session of the Preparatory Committee and the three sponsors of the 1995 Review and Extension Conference resolution.

29. **Ms. Göstl** (Austria), speaking also on behalf of Australia, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden, introduced working paper NPT/CONF.2005/WP.14 on export controls. The model additional protocol was necessary to complement the IAEA safeguard capacity in accordance with article III, paragraph 1, of the Treaty. The additional protocol was a dynamic living system that had to be improved whenever necessary.

30. In the field of physical protection, there had been positive developments in the international legal regime. In 2004, the Austrian Minister for Foreign Affairs had proposed an amendment on the physical protection of nuclear materials, based on the final report of the Open-ended Group of Legal and Technical Experts to prepare a draft amendment to the Convention on the Physical Protection of Nuclear Material. That proposal had been circulated to all States parties and enjoyed broad support. A diplomatic conference for its consideration and adoption would be held from 4 to 8 July 2005 in Vienna, and her delegation called on all States parties to participate in the conference because amendments needed the support of two thirds of States parties. In relation to controls of nuclear exports, the establishment, at the 1995 Review and Extension Conference, of comprehensive safeguards as a precondition for the supply of nuclear equipment or material had represented a breakthrough; that standard had been reaffirmed at the 2000 Review Conference. Furthermore, the additional protocol had become the verification standard in line with article III, paragraph 1, of the Treaty. Her delegation called on the participants in the 2005 Review Conference to make the additional protocol a precondition for the supply of nuclear equipment or material.

31. The important work of the Zangger Committee had been acknowledged at the Review Conferences and States parties had been urged to base their export controls on the understandings of that Committee. In the past, the Conference had asked the Zangger Committee to review its understandings in order to bring them into line with technological and other developments. In that regard, the working paper on export controls (NPT/CONF.2005/WP.14) proposed that the Conference should take note of the ongoing work of the Zangger Committee for reviewing the understandings to take account of developments in the Treaty review process.

32. *Mr. Taiana (Argentina), Vice-Chairman, took the Chair.*

33. **Mr. Sriwidjaju** (Indonesia) said that the establishment of nuclear-weapon-free zones was a significant contribution to nuclear disarmament. The Treaty of Bangkok, which had entered into force in 1997, was aimed at establishing a legal system which would guarantee a safe, stable and secure environment for the peoples of the States parties to that Treaty. His delegation noted with concern that some nuclear-weapon States had not yet acceded to the Protocol to the Treaty of Bangkok, which concerned the obligation not to use or threaten to use nuclear weapons against any State party to the Treaty or within the zone. Such a delay raised issues regarding the right of States, under article VII of the Non-Proliferation Treaty, to conclude regional treaties to ensure the total absence of nuclear weapons in their territories.

34. The creation of nuclear-weapon-free zones was a vitally important step towards global nuclear disarmament. His Government noted with satisfaction that there had been progress towards the establishment of a Central Asian nuclear-weapon-free zone, which would be the first such zone in the northern hemisphere.

35. The establishment of such a zone in the Middle East, however, continued to be an elusive goal that could not realistically be attained without the full cooperation of all States in the region. He drew particular attention to the resolution on the Middle East adopted at the 2000 Review Conference. His delegation regretted that Israel had not acceded to the Treaty or placed its nuclear facilities under IAEA safeguards, in stark contrast to its neighbouring countries, all of which were parties to the Treaty. It was therefore critical that all States concerned should address the issue to establish balance within the region.

36. His delegation was also concerned about the continuing crisis involving the nuclear programme of the Democratic People's Republic of Korea, which threatened to undermine the non-proliferation regime. His Government called on the Democratic People's Republic of Korea to refrain from any action which would aggravate the situation. The six-party talks were the appropriate forum for seeking a diplomatic solution to the crisis. Such a solution was essential for stability in North-East Asia and for the establishment of a nuclear-weapon-free zone in the region.

37. The non-proliferation regime must be strengthened to meet the challenge of greater access to nuclear knowledge and technology so as to prevent them from falling into the hands of non-State actors. There was also a need to strengthen the IAEA safeguards system and mechanisms, including the model additional protocol, to ensure non-diversion of nuclear materials and the absence of undeclared nuclear activities, as well as access to nuclear fuel for peaceful purposes.

38. **Mr. Villemur** (France) said that given the need to address current challenges to international security, including the discovery of an international nuclear trafficking network, and the potential contribution of nuclear energy to meeting growing international energy requirements, international cooperation should foster the kind of development called for under article IV of the Treaty, to which his Government attached particular importance. The Treaty remained the cornerstone of the non-proliferation regime, but it also promoted the development of peaceful uses of nuclear energy.

39. Almost all States were parties to the Non-Proliferation Treaty. Recent accessions, such as that of Cuba in 2002 and of Timor-Leste in 2003, were therefore welcome and helped to bring the international community closer to the goal of universality. The Treaty was particularly crucial in that it established a safeguards regime implemented through comprehensive safeguards agreements. Since the previous Review Conference in 2000, 13 more States had brought such agreements into force. There remained 49 States which had not yet done so, however.

40. France called on all those States which had not yet done so to conclude, as soon as possible, a comprehensive safeguards agreement with IAEA and to bring it into force. The universality of the comprehensive safeguards system must remain a priority. The adoption by the Board of Governors of the model additional protocol had been an essential step in strengthening that process.

41. In accordance with the commitment undertaken at the 2000 Review Conference, France had implemented internal procedures leading to the ratification of an additional protocol, which had entered into force in April 2004. All of the declarations required under that protocol had already been sent to the Agency. It should also be recalled that all of France's civilian installations were under the control of the European Atomic Energy Community (EURATOM).

42. His Government had contributed to the steps taken at the international level by IAEA, the European Union and the Group of Eight to promote comprehensive safeguards agreements and additional protocols and had actively participated in workshops organized by the Agency, in particular for African and Indian Ocean countries. France called on all States which had not yet done so to sign and bring into force an additional protocol at the earliest possible date. The implementation of a comprehensive safeguards agreement and an additional protocol had become the new standard of verification.

43. France supported the work of IAEA to establish a system of integrated safeguards and had endorsed an increase in the Agency's regular budget for that purpose. Furthermore, it continued to back efforts to strengthen the Agency's safeguards through its Coordinated Technical Support Programme.

44. The actions of some States which had defied the international community had jeopardized the progress made since the previous Review Conference. Any breach by States of their obligations under the Non-Proliferation Treaty undermined international confidence and the development of international cooperation. For many years, the Libyan Arab Jamahiriya had failed to uphold its obligations under the terms of the Treaty and of its safeguards agreement and had developed a clandestine nuclear weapons programme. The Libyan authorities had nevertheless subsequently renounced any development of weapons of mass destruction and had decided to cooperate fully with the Agency. In March 2004 they had signed an additional protocol. Such steps should be warmly welcomed and encouraged. The Libyan situation was further evidence of the importance of giving IAEA more effective means for detecting clandestine nuclear activities, in particular through additional protocols.

45. Regrettably, other situations continued to be a source of concern, particularly developments in the Democratic People's Republic of Korea, which had resumed nuclear activities and refused any international verification. Its nuclear programme, undertaken outside the current international framework, constituted a threat to international peace and security, particularly for the region. France continued to call for a peaceful solution based on

dialogue, and strongly supported the resumption of the six-party talks without delay. The solution must be found within a multilateral framework, as the situation was of concern to the entire international community. It would require a full, irreversible and verifiable dismantling of the nuclear programme of the Democratic People's Republic of Korea.

46. Another cause for concern was the Islamic Republic of Iran. Suspicions about the real purposes of its nuclear programme had been reinforced by successive public revelations about clandestine activities pursued by the Iranian authorities over the last 20 years, in violation of their international commitments. IAEA verification had not yet established that there were no undeclared activities in that country. His Government, together with Germany and the United Kingdom, had engaged in a dialogue with the Islamic Republic of Iran since 2003 and an agreement had been formally concluded in Paris in November 2004 under which the Iranian authorities had undertaken to suspend all activities related to uranium enrichment and reprocessing. That suspension must be complete, verified by IAEA and sustained until a comprehensive agreement was concluded. The suspension constituted a long-term confidence-building measure.

47. The IAEA Board of Governors resolution on implementation of the safeguards agreement of the Islamic Republic of Iran (GOV/2004/90), adopted by consensus on 29 November 2004, reflected the letter and the spirit of the November 2004 Paris Agreement and called, inter alia, for the full and sustained implementation of the Iranian authorities' decision to suspend all enrichment-related and reprocessing activities. His Government therefore noted with concern the statements made by a number of senior Iranian officials suggesting that some activities covered by the voluntary suspension might soon be restarted. The Iranian Government should be aware that any such action would be a clear breach of the Paris Agreement and of the relevant IAEA resolutions. It would bring the negotiating process to a halt and could only have negative consequences for the Islamic Republic of Iran.

48. All States would benefit from the maintenance of the Treaty, as it provided a balanced legal framework which allowed for the development of peaceful nuclear activities while pursuing non-proliferation objectives. It was unacceptable that nuclear technologies, materials or equipment acquired for peaceful purposes within that legal framework should subsequently be used for military purposes after a State's withdrawal from the Treaty. States could not simply decide to invalidate their commitments by withdrawing from the Treaty. The technologies, materials or equipment transferred or acquired by a State under the Treaty must continue to be used only for peaceful purposes, failing which they should be returned to the supplier. In addition, withdrawal from the Treaty could constitute a threat to international security and, as such, fall within the competence of the Security Council.

49. Strengthening the non-proliferation regime must involve strengthening international cooperation, which would make it possible to identify and limit transfers of equipment or technologies leading to proliferation. IAEA had an important role to play in that area.

50. Moreover, rigorous export control was an essential condition for the development of nuclear trade. The emergence of industrial capacity in the nuclear sectors of a growing number of States required the adoption of a set of common export guidelines. The role played by the Zangger Committee in the implementation of article III was therefore welcome. The Committee could undertake some initiatives with a view to universalizing the general principles governing export control. However, the rules for controlling exports must be consistent with all obligations under the Treaty.

51. In order to strengthen and facilitate the implementation of article IV of the Treaty, nuclear cooperation should be suspended whenever IAEA was not in a position to provide sufficient assurances as to the exclusively peaceful nature of a State's nuclear programme. The Agency's Board of Governors could call on all States to implement such a suspension, based on a report from the Director General. The suspension could be made universal and mandatory for all by the Security Council. It would not, however, be automatic in cases where the State in question agreed to undertake corrective measures with the support of IAEA.

52. Concerning the most sensitive technologies, particularly those relative to enrichment, reprocessing and heavy water production, potential transfers should be evaluated based on a series of criteria related to the goals of the Treaty, so that they would benefit countries that needed such technologies and that had

demonstrated their long-term commitment to non-proliferation. States which were not developing a complete fuel cycle should receive guaranteed access to the enrichment and reprocessing markets. Finally, access to non-sensitive technologies should be made more flexible and the corresponding rules should be re-examined in that light, in particular for developing countries.

53. The enhancement of IAEA capacities for detecting clandestine nuclear activities, first and foremost through additional protocols, should strengthen the effectiveness of safeguards in a changing environment. The Agency must also have the means to react firmly and effectively to any breaches of commitments.

54. **Mr. Adnan** (Malaysia) said that his Government welcomed the decision of the Libyan Arab Jamahiriya and the Islamic Republic of Iran to sign additional protocols to their safeguards agreements. Malaysia encouraged the Islamic Republic of Iran to continue its cooperation with IAEA and undertake all necessary corrective measures to resolve outstanding issues.

55. His Government recognized that the objective of the model additional protocol was to strengthen the effectiveness of the safeguards system and achieve global non-proliferation. However, his delegation reiterated its concern about the subjective nature of the descriptions of the items listed in annex II to the model additional protocol. It would be difficult for front-line enforcement personnel to identify and effectively monitor such items, as even nuclear scientists had difficulty in doing so. There was also a lack of capacity among local industries to ensure the smooth implementation of such an extensive nuclear export and import control system. His Government therefore reiterated its call for better coordination between IAEA and other international organizations, including the World Customs Organization, to harmonize the items listed in the annex with international customs coding systems.

56. Malaysia was concerned that attempts had been made to curtail the inalienable rights of non-nuclear-weapon States through the development of unilateral export control and counter-proliferation regimes outside the framework of the Treaty. Export control regimes should be transparent and open to participation by all States. They must not impose restrictions on access to nuclear equipment, material and technology for peaceful purposes. Proliferation concerns were best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements, for example through the United Nations. Malaysia was also concerned about the simultaneous efforts being pursued by nuclear-weapon States in other forums to legitimize, outside the framework of the Treaty, the transport of materials, equipment, software or related technology intended to be used in the delivery of nuclear weapons. The inclusion of any such provision in the current review of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation or any other international instrument would be a dangerous and underhanded attempt to undermine the nuclear-weapon States' disarmament obligations under the Treaty.

57. His Government stressed the importance of achieving universal application of the Treaty. For that purpose, nuclear-weapon States should accept full-scope safeguards, which would strengthen the overall verification regime and could be formalized in an agreement with IAEA in accordance with its Statute and safeguards system.

58. **Mr. Heinsberg** (Germany) said that if the Treaty was to remain the cornerstone of the global nuclear non-proliferation regime and the foundation for the pursuit of nuclear disarmament, every effort must be made to uphold its authority and integrity. Compliance with fundamental Treaty obligations was therefore of critical importance.

59. Continuing proliferation and the risk that nuclear weapons programmes could be pursued under cover of civilian nuclear programmes were matters of particular concern to his Government. There were several core tasks for ensuring compliance with non-proliferation obligations: ensuring the detectability of significant violations; effectively preventing any misuse of civilian nuclear programmes for military ends; preventing nuclear weapons and materials from falling into the hands of terrorists; and enhancing international response capabilities and enforcement.

60. With respect to the detection of significant violations, all Member States should be called upon to sign and ratify an additional protocol without delay, and should implement such protocols provisionally until they entered into force. The international community should also make full use of the existing safeguards system. In the light of current challenges to

the Treaty regime, the possibility of non-routine inspections already provided for under the existing safeguards system should be reconsidered, and IAEA should review the modalities of special inspections with a view to responding effectively and swiftly to concerns.

61. Regarding the prevention of the misuse of civilian nuclear programmes, the intense debate had rightly focused on the fuel cycle and the risks posed by enrichment and reprocessing plants in particular. His delegation therefore welcomed the decision by the IAEA Director General to appoint an expert panel to examine possible ways to address the risks posed by the nuclear fuel cycle. His Government did not question the inalienable right of all parties to the Treaty to use nuclear energy for peaceful purposes. The proliferation risks inherent in sensitive technologies, however, must be addressed.

62. With respect to the risk that nuclear weapons could fall into the hands of terrorist groups, securing and eliminating such weapons and weapons-grade nuclear materials were of the highest priority. Constraints on enrichment and reprocessing were insufficient to eliminate the potential for diversion of nuclear materials. In addition, there was an ongoing risk that non-State actors might acquire such materials. Therefore, all States parties should exchange data on existing stocks of highly enriched uranium and plutonium and should establish a legally binding universal standard for the physical protection of nuclear materials, including within the framework of the Convention on the Physical Protection of Nuclear Material. In addition, the Conference should urge States to eliminate existing stocks and to cease production of highly enriched uranium and weapons-grade material. His Government was contributing significantly to the Global Partnership against the Spread of Weapons and Materials of Mass Destruction. The Proliferation Security Initiative also helped to counter proliferation risks.

63. Sustained and concerted efforts should be made to establish minimum standards for export controls on fissile material, related technology and dual-use equipment. Security Council resolution 1540 (2004) provided a good framework for such standards. IAEA, in cooperation with the States parties, should take an active role in such efforts. Although the Treaty called for export controls under article III, they were restricted to nuclear items. However, any up-to-date minimum standard must also address the question of dual-use items and technology. He drew attention to the working paper on export controls (NPT/CONF.2005/PC.III/WP.14) submitted by his Government.

64. Lastly, the situation in the Democratic People's Republic of Korea highlighted the importance of enforcement. The issue of the withdrawal of States from the Treaty must also be considered. Confidence in the Security Council's ability to act decisively, effectively and in a unified manner must be strengthened. Every effort must be made to ensure that a State preparing to withdraw from the Treaty was fully aware of the consequences of such a decision. He drew attention to the working paper which Germany had submitted on the subject (NPT/CONF.2005/PC.III/WP.15). No State withdrawing from the Treaty should have the right to benefit from the nuclear capacity which it had acquired as a result of having made use of article IV of the Treaty or assistance provided under the Treaty by IAEA or other States. In addition, an adequate system was needed to react to such withdrawals. Notwithstanding the sovereign right of any State to withdraw from the Treaty, the central role of the Security Council in considering such withdrawals must be confirmed. Notification of withdrawal should trigger an immediate consultation process to address the issue.

65. **Mr. Niewodniczański** (Poland) said that the 2000 Review Conference had recognized that IAEA safeguards were a fundamental pillar of the non-proliferation regime and had reaffirmed that the implementation of safeguards agreements, together with additional protocols, should be designed to provide assurances that nuclear material would not be diverted from declared activities. Nevertheless, there was a need to further strengthen multilateral non-proliferation instruments. Additional protocols were an integral part of the IAEA safeguards system. Adherence to them should be considered the verification standard in accordance with article III of the Treaty. His Government called upon all countries which had not yet done so to sign and ratify a safeguards agreement and additional protocol as soon as possible. His delegation noted with astonishment that some delegations dismissed the importance of additional protocols. His Government supported the initiative to establish a special committee on safeguards under the IAEA Board of Governors, which

would enhance multilateral efforts to strengthen the non-proliferation regime.

66. The safeguards system must be combined with a proper physical protection regime and include mechanisms to prevent nuclear materials and radioactive sources from escaping nationally controlled systems. Such a regime must cover the entire fuel cycle. His Government welcomed IAEA activities to combat nuclear terrorism and supported its efforts to amend the Convention on the Physical Protection of Nuclear Material to cover the physical protection of nuclear material in domestic use, storage and transport.

67. Poland strongly supported the Global Threat Reduction Initiative and hoped that its implementation would proceed quickly. His Government had proposed that its only nuclear research reactor should be included in the programme to convert such reactors from high enriched to low enriched uranium.

68. **Mr. Maurer** (Switzerland) said that since the 2000 Review Conference nuclear proliferation had become a major concern in the area of international security. The withdrawal of the Democratic People's Republic of Korea from the Treaty in January 2003 and the recent announcement that it possessed nuclear weapons could only be condemned by the States that continued to abide by the Treaty's provisions and their obligations towards IAEA. His Government reiterated its call to the Democratic People's Republic of Korea to renounce any nuclear programme and to reverse its withdrawal from the Treaty, and hoped that the final document of the Conference would reflect that call. It also supported all multilateral efforts, including the six-party talks, to find a diplomatic solution to the crisis. The lack of consequences of that country's withdrawal from the Treaty demonstrated an institutional weakness of the non-proliferation regime and suggested that the Treaty should be strengthened. Canada's proposals to address that weakness should be carefully considered.

69. As there were doubts about the true nature of the Iranian nuclear programme, Switzerland called on the Islamic Republic of Iran to make every effort to restore international confidence and to comply with the decisions of the IAEA Board of Governors. The continued suspension of any activities connected with enrichment and reprocessing was an essential step towards that end. Switzerland supported the ongoing discussion between the Islamic Republic of Iran and three members of the European Union.

70. With respect to regional issues, the resolution on the Middle East, an essential element of the compromise reached at the 1995 Review Conference, would remain in force as long as its objectives had not been met. The 2004 discovery of the nuclear procurement network of Abdul Qadeer Khan illustrated the real risks of nuclear proliferation posed by non-State actors. All States must therefore cooperate to identify the sources and lines of supply of such trafficking.

71. All States should fulfil their obligations under article III of the Treaty by signing and implementing a safeguards agreement with IAEA. The supply of nuclear material, equipment and technology should be contingent on the ratification of an additional protocol to a safeguards agreement. Physical protection of all nuclear materials was an essential part of the non-proliferation regime. The management of plutonium and highly enriched uranium should receive greater attention and be handled with more transparency.

72. In collaboration with the United States and the Russian Federation, Switzerland had organized and hosted a conference on the dismantling of the last plutonium-producing nuclear station in the Russian Federation. Switzerland welcomed the adoption of Security Council resolution 1540 (2004), which highlighted the need for all States to have an effective export control system, and the unanimous adoption by the General Assembly of the International Convention for the Suppression of Acts of Nuclear Terrorism.

73. Export controls were an essential tool for promoting peaceful nuclear cooperation while avoiding the unregulated spread of sensitive technologies. Proposals which derogated from the right to the peaceful use of nuclear energy should not be supported.

74. **Mr. Beven** (Australia) said that safeguards allowed States to have confidence in the peaceful nature of nuclear activities carried out by other States. That was an important element of collective security. It laid the foundations for trade and cooperation in the peaceful uses of nuclear energy and helped to build the confidence necessary to make progress towards nuclear disarmament.

75. New challenges to the non-proliferation regime included the Islamic Republic of Iran's revelation of its previously undeclared nuclear programme and its failure to comply with its safeguards obligations, as well as the announcement by the Democratic People's Republic of Korea that it had withdrawn from the Non-Proliferation Treaty and that it possessed nuclear weapons. The Conference should call upon the Islamic Republic of Iran to continue its suspension of enrichment and reprocessing activities and should urge the Democratic People's Republic of Korea to comply once again with the Non-Proliferation Treaty and completely abandon its nuclear weapons programme.

76. **Ms. Kipp** (Sweden) agreed with previous speakers that additional protocols, together with comprehensive safeguards agreements, should represent the verification standard under article III of the Treaty. The Security Council needed to respond in a unified manner to non-compliance with the Treaty and to announcements of withdrawal from it by States parties. The Security Council should work closely and meet regularly with IAEA on matters of non-compliance, safeguards and verification processes.

77. Security Council resolution 1540 (2004) placed binding obligations in regard to export controls on all States Members of the United Nations. The right to the peaceful use of nuclear energy was central to the Treaty. At the same time, it was important to ensure that dual-use products and technologies did not fall into the wrong hands.

78. As the Chairman of the Nuclear Suppliers Group, an organization of nuclear supplier countries seeking to contribute to non-proliferation through the implementation of guidelines for nuclear and nuclear-related exports, Sweden had called upon States to exercise extreme vigilance so that none of their exports would contribute to nuclear weapons programmes or unsafeguarded activities. At its 2002 plenary meeting, the Group had agreed to strengthen guidelines to prevent and counter the diversion of nuclear exports to nuclear terrorism. It had also taken steps to enhance information exchange on proliferation threats. The Group fully supported Security Council resolution 1540 (2004) and had the capacity to provide expertise on national export control systems.

79. **Ms. Paterson** (United Kingdom) expressed the hope that the Review Conference would send a clear message to the IAEA Board of Governors that comprehensive safeguards agreements, together with additional protocols, represented the current verification standard. The United Kingdom looked forward to participating in the review of the "small quantities protocol" mechanism and believed that it was important to address that weakness in the safeguards framework. The Committee should send a strong message in support of Security Council resolution 1540 (2004). The United Kingdom was committed to working with the International Maritime Organization to secure amendments to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, which would make it an internationally recognized offence to transport weapons of mass destruction, their delivery systems or related materials on commercial vessels.

80. The Libyan Arab Jamahiriya's decision to dismantle its illegal weapons of mass destruction programme was a welcome one. Work was being done in partnership with other countries and organizations to bring the Libyan Arab Jamahiriya into compliance with its international obligations.

81. The proliferation implications of the Iranian nuclear programme were disturbing. Long-term arrangements were being developed to help rebuild international confidence in that country's nuclear activities and plans. The Iranian authorities' recent statements that they intended to resume uranium conversion were cause for concern. The Islamic Republic of Iran should work actively with IAEA to resolve all outstanding questions surrounding its nuclear programme and should comply with all IAEA requests, including, in particular, the request that it should reconsider its decision to construct a heavy water moderated research reactor. The Democratic People's Republic of Korea was urged to renounce its intention to reprocess fuel. It should declare all past nuclear activity and dismantle its nuclear programme completely, verifiably and irreversibly. It should return to the six-party talks as soon as possible.

82. The United Kingdom supported nuclear-weapon-free zones in Latin America and the Caribbean, Africa, the South Pacific and Central Asia. It supported a nuclear-weapon-free zone in the Middle East and, more broadly, a Middle East zone free of weapons of mass destruction.

The meeting rose at 6 p.m.